

BORA LASKIN LAW LIBRARY



3 1761 03868 6218

CASES AND MATERIALS ON TRUSTS

1993-94

VOLUME II

**TRUSTS ARISING BY OPERATION OF LAW;
ASPECTS OF ADMINISTRATION OF TRUSTS**

Professor R.E. Scane

451.5865
BORA LASKIN LAW LIBRARY

MAR 1 1994

FACULTY OF LAW
UNIVERSITY OF TORONTO

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

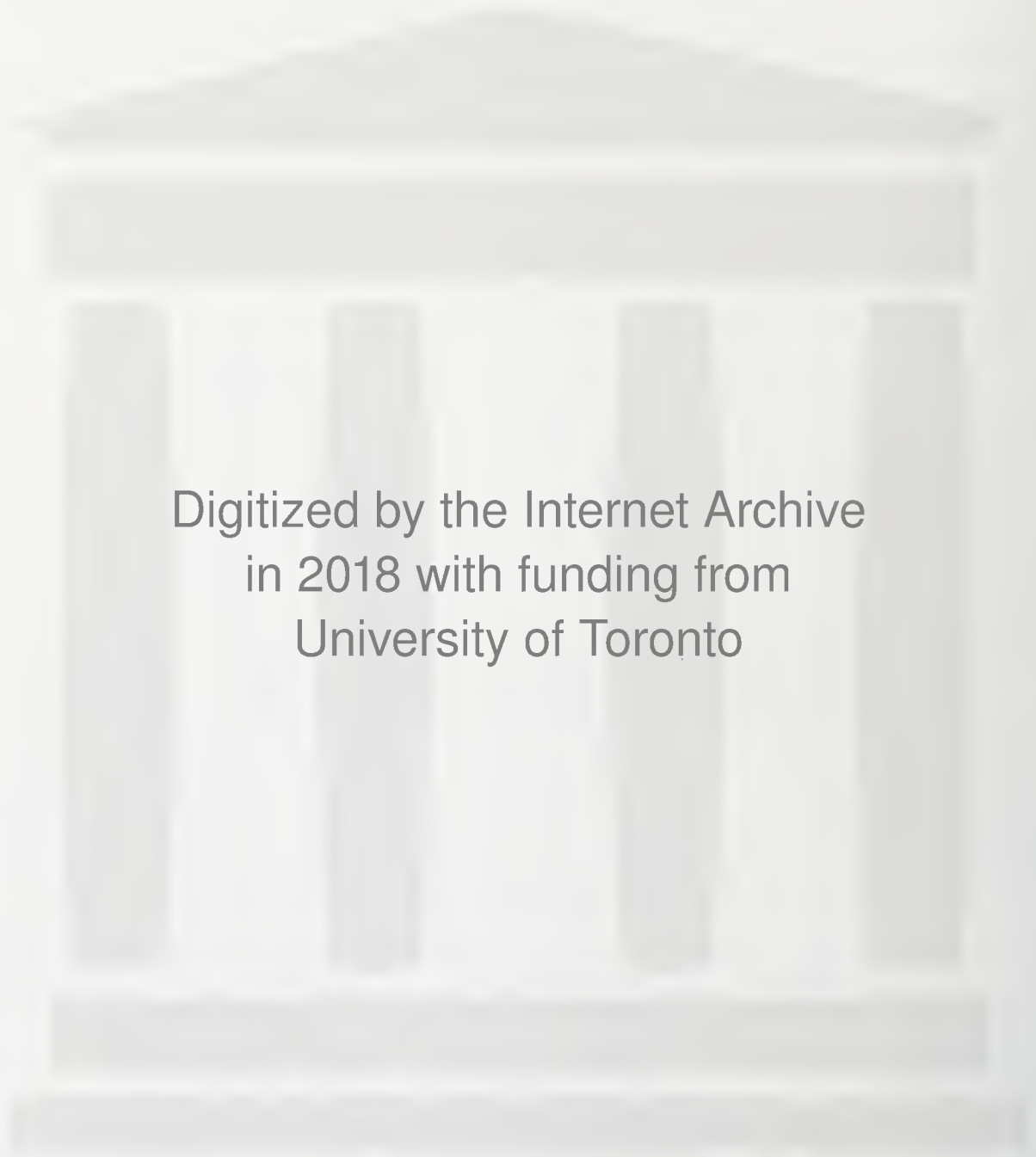
CASES AND MATERIALS ON TRUSTS

1993-94

VOLUME II

**TRUSTS ARISING BY OPERATION OF LAW;
ASPECTS OF ADMINISTRATION OF TRUSTS**

Professor R.E. Scane



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

TABLE OF CONTENTS: VOLUME 2

PART IV - TRUSTS ARISING BY OPERATION OF LAW

CHAPTER 10 - RESULTING TRUSTS ARISING OUT OF THE FAILURE OF EXPRESS TRUSTS

In Re the Trusts of the Abbott Fund, [1900] 2 Ch. 326	10-1
Re Gillingham Bus Disaster Fund, [1958] Ch. 300	10-4
<u>Trustee Act</u> , R.S.N.S. 1989, c. 479	10-8
O.L.R.C., "Draft Trustee Act", ss. 76 and 77	10-9
Re Osaba, [1979] 1 W.L.R. 247 (C.A.)	10-10
Hancock v. Watson, [1902] A.C. 14 (H.L.)	10-16

CHAPTER 11 - PURCHASE MONEY AND VOLUNTARY CONVEYANCE RESULTING TRUSTS

Dewar v. Dewar, 1 W.L.R. [1975]	11-1
Neazor v. Hoyle (1962), 32 D.L.R. (2d) 131 (Alta. C.A.)	11-6
Standing v. Bowring (1985), 31 Ch. 282 (C.A.)	11-8
Clemens v. Clemens Estate, [1956] S.C.R. 286	11-10
<u>Family Law Act</u> , S.O. 1986, c.4	11-16
Edwards v. Bradley, [1956] 2 D.L.R. (2d) 382 (Ont. C.A.)	11-16
Scheurman v. Scheurman (1916), 52 S.C.R. 625	11-22
Goodfriend v. Goodfriend, [1972] S.C.R. 640	11-35
Maysels v. Maysels (1974), 45 D.L.R. (3d) 337 (C.A.)	11-43
Tinsley v. Milligan, [1993] 3 W.L.R. 126	11-50

CHAPTER 12 - THE REMEDIAL CONSTRUCTIVE TRUST BASED UPON UNJUST ENRICHMENT

Pettikus v. Becker (1980), 117 D.L.R. (3rd) 257 (S.C.C.)	12-1
Sorochan V. Sorochan (1986), 29 D.L.R. (4th) 1 (S.C.C.)	12-14
Rawluk v. Rawluk (1990), 23 R.F.L. (3d) 337 (S.C.C.)	12-23
Peter v. Beblow (1993), 101 D.L.R. (4th) 621 (S.C.C.)	12-47

PART V - SOME ASPECTS OF THE TRUSTEE'S POSITION

CHAPTER 13 - THE TRUSTEE AS A FIDUCIARY - LOYALTY TO THE BENEFICIARIES

Keech v. Sandford (1726), 25 E.R. 223	13-1
National Trust Co. v. Osadchuk, [1943] S.C.R. 89	13-1
Holder v. Holder, [1968] Ch. 253	13-5
Crocker and Croquip Ltd., v. Tornroos, [1957] S.C.R. 151	13-15
Boardman v. Phipps, [1967] 2 A.C. 46 (H.L.)	13-21
Peso Silver Mines Ltd. v. Cropper, [1966] S.C.R. 673	13-43
Canadian Aero Services Ltd. v. O'Malley, [1974] S.C.R. 592	13-51
LAC Minerals Ltd. v. International Corona Resources Ltd. (1989), 61 D.L.R. (4th) 14 (S.C.C.)	13-67

CHAPTER 14 - "THE EVEN HAND" RULE

Re Lottman (1972), 2 E.T.R. 1 (ONT. C.A.)	14-1
Lottman V. Stanford (1980), 107 D.L.R. (3d) 28 (S.C.C.)	14-8
Note on <u>Re Lottman</u>	14-13
Re Smith, [1971] 1 O.R. 584 (H.C.J.)	14-14
Re Smith, [1971] 2 O.R. 541 (C.A.)	14-19
Re Waters, [1956] S.C.R. 889	14-21
Re Fleming (1973), 37 D.L.R. (3d) 12 (H.C.J.)	14-34
O.L.R.C., "Draft Trustee Act", ss. 34 and 39-43	14-37

CHAPTER 15 - CONTROLLING THE TRUSTEE'S DISCRETION

Re Brockbank, [1948];1 Ch. 206	15-1
Tempest v. Lord Camoys (1982), 21 Ch. D. 571	15-5
Klug v. Klug, [1918] 2 Ch. 67	15-6
Re Schipper and Guaranty Trust Co. of Canada (1989), 69 O.R. (2d) 386	15-8
Re Wright (1976), 14 O.R. (2d) 698	15-10
Fales v. Canada Permanent Trust Co. (1976), 70 D.L.R. (3d) 257 (S.C.C.)	15-16
Re Blow (1977), 18 O.R. (2d) 516	15-29
Hinton v. Canada Permanent Trust Co., (1979), 5 E.T.R. 117	15-36
Re McVean (1985), 51 O.R. (2d) 685	15-40
O.L.R.C., "Draft Trustee Act", ss. 4, 7 and 16	15-46
Turner v. Turner, [1984] 1 Ch. 101	15-52
Re Dick, [1953] 1 Ch. 343	15-52

CHAPTER 16 - OBTAINING INFORMATION FROM THE TRUSTEE

Sandford v. Porter (1889), 16 O.A.R. 565	16-1
Re Londonderry's Settlement, [1956] 1 Ch. 918	16-7